



CITY OF MEMPHIS

COUNCIL AGENDA

December 20, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 6, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** amending Chapter 2, code of Ordinances, City of Memphis, Sections 171 through 176, Relating to the Aging Commission of The Mid-South concerning the affairs of Senior Citizens in the City of Memphis and the Counties of Fayette, Lauderdale, Shelby and Tipton, up for F I R S T reading.

Marshall

Ordinance No. 5150

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCES - SECOND READING

2. **ORDINANCE** rezoning the southeast corner of Young Avenue & Meda Street, containing 4,329 square feet in the Local Commercial (C-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5143

Case No. Z 05-124

Applicant: Robert Gordon
Robert Gordon – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the northwest and southeast corners of Looney Avenue and N. Main Street; and the southwest corner of Keel Avenue and N. Main Street, containing 1.006 acres in the Mixed Use (MU) District, up for S E C O N D reading.

Peete

Ordinance No. 5144

Case No. Z 05-132

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

8. **ORDINANCE** to allow a Historic Conservation Overlay District over the present zoning (Single Family Residential R-10) within the Village Historic District area bounded by Poplar, Goodlett, Cherry and Southern Railroad, up for S E C O N D reading.

Peete

Ordinance No. 5149

Case No. Z 05-120

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

9. RESOLUTION approving final plat of Resubdivision of Lot 1 of ADLER'S RESUBDIVISION OF LOT 4.

Case No. S 05-046

Resolution approves the final plat located at the southeast corner of Waring Road and Normandy Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of CONCORD ESTATES SUBDIVISION, SEC. C.

Case No. S 99-062cc

Contract No. CR-4994

Resolution approves the final plat located on the south side of Shelby Drive, west of Gertrude Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of MASSEY COVE ESTATES SUBDIVISION, SECTION B.

Case No. S 85-052

Resolution approves the final plat located on the northeast corner of Massey Estates Cove and Massey Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting RIVERWOOD FARMS PHASE 3, PART OF AREA A, and authorizing release of bond.

Case No. PD 91-313cc

(Contract No. CR-4877)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest side of Macon Road, east of Riverwood Farms Drive. The standard improvement contract was approved on July 6, 2004. Resolution also authorizes the release of the certificates of deposit in the total amount of \$47,900.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving the SUPPLEMENTAL AGREEMENT #1 to SUMMIT DISTRIBUTION CENTER, BUILDINGS #2 AND #3 SEWER EXTENSION.

Contract No. CR-4899AM

Resolution approves the Supplemental Agreement #1 located on the west side of Lamar Avenue (U.S. Highway 78), north of Holmes Road. Cost the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

14. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. **Case No. PD 05-366 – PULL-A-PART PLANNED DEVELOPMENT**

Located on the south side of Farrisview Road; +412 feet west of Burlington-Northern Santa Fe Railroad, containing 31.12 acres in the Light Industrial (I-L) and Agricultural Floodplain (AG[FP]) Districts

Applicant: Pull-A-Part of Tennessee, LLC
Ronald Harkavy – Representative

Request: Self service, Auto Salvage Yard

LUCB and OPD recommendation: APPROVAL, with conditions

B. **Case No. SUP 05-218**

Located on the north side of Cottonwood Road; +/-225 feet west of Perkins Road, containing 1.20 acres in the Single Family Residential (R-S6) District

Applicant: Katrina Walker
Universal Design Group – Samuel Turner, III – Representative

Request: Special permit to allow an increase in number of children to one-hundred (100) for a day care center that currently allows a maximum of sixty (60) children

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

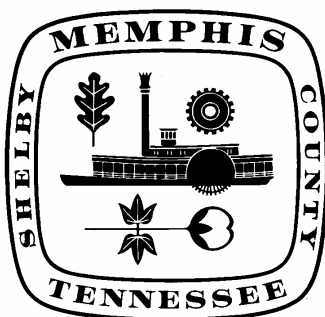
SUGGESTED DATE: January 3, 2006

GENERAL ITEM

15. **RESOLUTION** renaming McNeil Street in honor of Dr. Belvia Carter.

Marshall

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

16. RESOLUTION awarding Contract No.11042, Facilities Location Services, to Heath Consultants, Inc. in an estimated funded amount of \$773,550.00. (Held from 11/1; 11/15;12/6)
17. RESOLUTION awarding Contract No.11062, Underground Construction, to A & L Underground, Inc. in an estimated funded amount of \$8,678,497.81. (Held from 11/1; 11/15;12/6)
18. RESOLUTION approving Change No.8 to Contract No.10690, Distance Education and Video Conferencing System, with Interactive Solutions, Inc., in the funded amount of \$79,469.00. (This expands the Multipoint Control Unit (MCU) and purchases four years of Polycom Premier Service for the system.)
19. RESOLUTION approving Change No.1 to Contract No.10993, Dial Tone Services, with US LEC of Tennessee, Inc., in an estimated funded amount of \$43,200.00. (This covers the cost of Directory Assistance, 911 Service Fees and Excise Taxes.)
20. RESOLUTION approving Change No. 1 to Contract No. 11026, External Audit Services, with Watkins Uiberall, PLLC, in the funded amount of \$236,000.00. (This covers the audit for the year ending December 31, 2005.)
21. RESOLUTION approving Renewal of Cooperative Agreement No.5447, Investigation of Water Resources, with the United States Department of the Interior Geological Survey, in the amount of \$50,000.00, for the period 10/1/05 to 9/30/06.
22. RESOLUTION awarding contract for electronic volume correctors to Reynolds Equipment Company in the amount of \$112,500.00.
23. RESOLUTION awarding contract for radio equipment to Motorola c/o Integrated Communications in the amount of \$44,516.70.
24. RESOLUTION awarding contract for hydraulic crane to NES Rentals in the amount of \$89,825.00.
25. RESOLUTION awarding contract for multi-power units to Scruggs Equipment, Inc. in the amount of \$77,887.76.
26. RESOLUTION awarding contract for #4/0 AWG Wire to Utilicor, Inc. in the amount of \$36,670.70.
27. RESOLUTION requesting the option to extend contract for electric meter pedestals for an additional 12-month period with Tennessee Valley Electric Supply Company in the amount of \$427,500.00.
28. RESOLUTION approving expenditure on Contract No. 11071, Emergency Aid Agreement, with Davis H. Elliott Company, for emergency aid for the August 30, 2005 storm in the funded amount of \$336,430.77.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

29. RESOLUTION honoring “The 2005 Miss Tennessee”, Amy Lindberg.
Jones

ACTION REQUESTED: Adopt the resolution

30. APPOINTMENTS
Marshall

Memphis Housing Authority Board

Appointment

Ian L. Randolph

Re-appointments

William E. Stemmler

Ricky E. Wilkins

GENERAL ORDINANCE - THIRD AND FINAL READING

31. **ORDINANCE** to establish meeting dates for City Council Meetings in 2006, up for
T H I R D and F I N A L reading.
Ford Ordinance No. 5140

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

December 20, 2005

Page 7

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING

32. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for
T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06)

Peete Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent
regarding the location of off-premise signs and amend Section 30,
Nonconformities regarding alteration, expansion, replacement and
moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

33. **ORDINANCE** rezoning the south side of Walnut Grove Road, 480 feet west of
Humphreys Boulevard, containing 1.78 acres in the Agricultural (AG) District, up for
T H I R D and F I N A L reading.

Peete Ordinance No. 5141
Case No. Z 05-123

Applicant: Baptist Memorial Healthcare Systems
ETI Corporation – Representative

Request: Hospital (H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES MAILED ON DECEMBER 9, 2005

34. **ORDINANCE** rezoning the northwest corner of Nonconnah Parkway and Ridgeway
Road, containing 15.22 acres in Area B of the Ridgeway-Nonconnah Parkway Center
Planned Development, up for T H I R D and F I N A L reading.

Peete Ordinance No. 5142
Case No. Z 05-125
(Companion Cases: SUP 05-219 & PD 05-357)

Applicant: Acheson Properties
Prime Development (Mike Fahy) – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

52 NOTICES MAILED ON DECEMBER 9, 2005

DIVISION OF PLANNING & DEVELOPMENT

35. **RESOLUTION** approving a special use permit located on the southeast corner of Prescott
Road and Rhodes Avenue, containing 5.80 acres in the Single Family Residential (R-S6)
District.

Peete Case No. SUP 05-215

Applicant: Sprint Nextel
Charles Perkins – Representative

Request: Cellular Tower a maximum of 150 feet in height

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

36. RESOLUTION approving a planned development located on the northwest corner of Cowden Avenue and Greer Street, containing 0.26 acre in the Single Family Residential (R-S6) District.

Peete

Case No. PD 05-347

Applicant: Jennifer Angel
SR Consulting (Cindy Reaves) – Representative

Request: Add a Second Residential Dwelling

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Details

ACTION REQUESTED: Take whatever action Council deems advisable

110 NOTICES MAILED ON DECEMBER 9, 2005

37. RESOLUTION approving a planned development located on the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in the Area B of the Ridgeway Nonconnah Center Planned Development.

Peete

Case No. PD 05-357

(Companion Cases: Z 05-125 & SUP 05-219)

Applicant: Acheson Properties LLC
Prime Development Group (Mike Fahy) – Representative

Request: Delete Area B from the Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON DECEMBER 9, 2005

38. RESOLUTION approving a planned development located on the northwest corner of Poplar Avenue and Reddoch Street, containing 0.74 acre in the Single Family Residential (R-S10) District.

Peete

Case No. PD 05-362

(Companion Case SAC 05-618)

Applicant: William H. Thomas, Jr.
ETI Corporation (Dan Graddy) – Representative

Request: Two-story office building, occupied by limited General Office (O-G) uses, including a bank

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON DECEMBER 9, 2005

39. RESOLUTION approving a planned development located on the southeast corner of E.

Carolina Avenue and Florida Street, containing 3.67 acres in the Bluffview Residential (R-B) District.

Peete

Case No. PD 05-363

Applicant: Southland Dev. Partners of Memphis
W.H. Porter Consultants, PLLC – Representative

Request: A planned development to create a residential development with 57 townhouse units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON DECEMBER 9, 2005

40. RESOLUTION approving a planned development located on the north and south side of Larkin Ave.; between Claybrook St. and Cleveland St., containing 3.53 acres in the Single Family Residential Historical Conservation (R-S6[HC]), Local Commercial (C-H), Light Industrial (I-L) and Parking (P) Districts.

Peete

Case No. PD 05-364

Applicant: Audubon Development Co., LLC
Davis Engineering Co., Inc. – Representative

Request: A planned development to create a mixed use residential development consisting of 13 single family detached lots and 17 attached townhouses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

122 NOTICES MAILED ON DECEMBER 9, 2005

41. RESOLUTION approving a planned development located on the southwest corner of Walnut Grove Road and Houston Levee Road, containing 35 acres and is currently governed by the conditions of the Walnut Grove Southeast Planned Development, P.D. 01-333CC (Plat Book 196, Page 97).

Peete

Case No. PD 05-365cc

Applicant: TLW Joint Venture
The Reaves Firm, Inc. – Representative

Request: A planned development amendment to delete Condition I.A.13 from the list of excluded uses in Area “A” in order to permit a department or discount store to be located on this site

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON DECEMBER 9, 2005

42. RESOLUTION approving a subdivision located on the north side of Monterey Road; beginning 3,174 feet west of Reed Hooker Road, containing 41.47 acres in Agricultural (AG) and Agricultural (AG[FP]) District.

Peete

Case No. S 05-059cc

Applicant: Jerry McNeely Ellis
ETI Corporation – Ralph Smith – Representative

Request: Appeal to overturn Condition #1 requiring the installation of Dry Sanitary Sewer Lines, pertaining to the Land Use Control Board’s approval of a 15 Lot Preliminary Plat and dedication of Walnut Grove Road

LUCB recommendation: APPROVAL, subject to 4 variances, 16 conditions and 3 design changes

OPD recommendation: APPROVAL, subject to 3 variances, 17 conditions and 3 design changes

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON DECEMBER 9, 2005

43. RESOLUTION approving a street/alley closure beginning on the north side of Clementine Road at its western terminus and proceeding northerly 386.78 feet therefrom, containing 0.355 acre in the Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts.

Peete

Case No. SAC 05-614

Applicant: ProUnited Realtors, LLC
Brunell Gooden – Representative

Request: Close & Vacate Unimproved Street right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON DECEMBER 9, 2005

44. RESOLUTION approving a street/alley closure located on the south side of Vinton Avenue; +/-188 feet west of Rozelle Street, containing 1,587.5 square feet (Area of R.O.W.) and 12' X 127' (Length X Width of R.O.W.) in the Street/Alley ~ Single Family Residential (R-S8) Historic Conservation (HC) District.

Peete

Case No. SAC 05-615

Applicant: James A. & Patricia T. Comella

Request: Close & Vacate Alley Street Right-Of-Way

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES MAILED ON DECEMBER 9, 2005

45. RESOLUTION approving a street/alley closure located on the east side of Cochran Street; +/-190 feet north of Poplar Avenue, containing 2,100 square feet in the Multiple Family Residential (R-MM) District.

Peete

Case No. SAC 05-616

Applicant: Harold E. Buehler, Sr.

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON DECEMBER 9, 2005

46. RESOLUTION approving a street/alley closure located on Reddoch Street, a segment extending northward ±140 feet from Poplar Avenue, containing 2,651 square feet in the Single-Family Residential (R-S10) District and 1,933 square feet in the Multi-Family Residential (R-MM) District.

Peete

Case No. SAC 05-618
(Companion Case: PD 05-362)

December 20, 2005

Page 11

Applicant: William H. Thomas, Jr.

Request: Close and Vacate Street Right-of-Way

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES MAILED ON DECEMBER 9, 2005

47. RESOLUTION approving a south central business improvement district hotel located on the east side of South Second Street, 240 feet south of Vance Avenue.

Peete Case No. SCBID 05-14

Appellant: Christine Wimbish-Diatta

Request: Approval of Microtel Inn & Suites Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON DECEMBER 9, 2005

48. RESOLUTION approving a special use permit located on the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in the Planned Commercial (C-P) District.

Peete Case No. SUP 05-219
(Companion Cases: Z 05-125 & PD 05-357)

Applicant: Acheson Properties LLC
Prime Development Group (Mike Fahy) – Representative

Request: Motor Vehicle Sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON DECEMBER 9, 2005

49. RESOLUTION approving a use variance located on the south side of Dorothy Place; ± 70 feet west of Bellevue Blvd., containing 7,492 square feet in the Single Family Residential (RS-6) District.(Held from 12/6)

Peete Case No. UV 05-07

Applicant: Richard Liptock

Request: Expansion of a duplex (a non-conforming use in the R-S6 District)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

82 NOTICES MAILED ON NOVEMBER 18, 2005

GENERAL ITEM

ADJOURNMENT